

DEPARTMENT OF ENVIRONMENTAL PROTECTION

OVERVIEW

The mission of the Department of Environmental Protection (DEP) is to protect and improve New Jersey's air, land, water and natural resources, to ensure public health, sustain economic growth, and preserve and enhance the quality of life for all New Jersey citizens and future generations.

The Department strives toward its mission by: employing a decision-making process that is open, comprehensive, timely, predictable and efficient; developing and enforcing reasonable, clear, and scientifically-based standards to protect human health, the environment, and natural resources; protecting the public trust through sound management and restoration of natural resources and by ensuring public access to safe local parks, the waterfront, protected open space, and historic and natural resources; enhancing environmental awareness and private stewardship through education, communication and incentives; ensuring that the environment and natural resources of all communities receive equal protection and benefits under the Department's regulations and programs; protecting biodiversity and the water supply through land acquisition, enforcement and conservation; and promoting sustainable living, including conservation of water, conservation of energy, use of environmentally friendly building materials, promotion of renewable energy, and reduction of waste through recycling and reuse programs. The DEP is organizationally divided into five environmental areas: Natural Resource Management, Science and Technical Programs, Site Remediation and Waste Management, Environmental Regulation, and Compliance and Enforcement. The Management and Administration program provides department-wide administrative support to the programs.

FY 2005 Budget Highlights

The fiscal 2005 budget for the Department of Environmental Protection, excluding Debt Service, totals \$363.6 million, an increase of \$341,000 or less than a 1% increase over the fiscal 2004 adjusted appropriation of \$363.3 million.

Parks and Forestry

This Budget recommends a total of \$35.6 million to maintain the thirty-nine parks, eleven forests, three recreation areas and fifty-seven historic sites and districts overseen by the Division of Parks and Forestry. In addition, for fiscal 2005 a total of \$4 million in capital funding will address needed improvements and maintenance in the parks and \$250,000 will be provided for operating costs and maintenance at the Waterloo Village historic site. The Board of Public Utilities has committed \$2 million in fiscal 2005 to the Bureau of Forestry for the Urban Forest Energy Efficiency Initiative which will assist in planting over 100,000 trees across New Jersey.

Shore Protection, Flood Control, and Dam Repair

The Fiscal 2005 Budget provides \$25 million for shore protection projects from the Realty Transfer Fee dedication. These funds will leverage up to \$55 million in federal funds and \$7.5 million in local funds for beach replenishment projects. The projects planned for fiscal 2005 include beach fills at Belmar to Manasquan, Port Monmouth, Lower Cape May Meadows, Absecon Island, Townsend Inlet/Cape May Inlet, Brigantine Island, Asbury Park to Deal, and Ocean City.

To protect lives and property, \$7.2 million is recommended for flood control projects. While this funding represents a decrease of \$1 million from fiscal 2004, it is sufficient to fully leverage federal funds available for flood projects (\$17.6 million). Projects planned include the Ramapo River at Oakland, the Green Brook, the Mill Brook,

Molly Ann's Brook, Manish Park, South River, Harrison/Passaic River, and the Mahwah/Suffern River.

Although this Budget does not appropriate any funding for dam repairs, in 2003 voters approved a \$200 million bond act that will provide up to \$95 million for loans or other forms of assistance to owners of private dams to finance the costs of dam restoration and repair projects. A total of \$15 million will be allocated to the Department to finance the restoration of State-owned dams. State flood control projects will receive \$25 million, and \$15 million will be available for dredging, restoration projects, and cleaning and desnagging projects for privately owned lakes and streams. This bond act also authorizes \$50 million for water resource or wastewater treatment projects.

Corporation Business Tax

The 1996 constitutional dedication of 4% of the annual revenue raised from the State's Corporation Business Tax (CBT) continues to provide funds to finance the cleanup of privately owned underground storage tanks, remediation of contaminated sites, watershed monitoring and planning, and the Department's administrative costs. A voter-approved constitutional amendment was enacted in November of 2003 to create a new funding source for brownfields redevelopment projects. The new fund will receive one-half of the dedication for underground storage tanks and these funds will be available for loans and grants for brownfields remediation. The Department will also receive up to \$2 million from this fund for the Underground Storage Tank Inspection Program.

According to current CBT revenue projections, the Department will receive \$118.8 million from the CBT dedication in fiscal 2005. This is an increase of \$2.5 million from fiscal 2004 funding levels. For fiscal 2005, \$52.4 million will be dedicated to the clean-up of hazardous waste sites, an increase of \$1 million from fiscal 2004. Funding for the remediation of private underground storage tanks, which has been expanded to include loans and grants for site remediation, will total \$39.6 million, an increase of \$831,000 from fiscal 2004. Funding available for administrative costs associated with the clean-up of hazardous sites will increase by \$220,000 in fiscal 2004, from \$6.7 million to \$6.9 million. Watershed Management program funding will increase from \$19.3 million in fiscal 2004 to \$19.8 million in fiscal 2005. The Watershed allocation will continue funding of \$6 million in fiscal 2005 for stormwater grants, level with fiscal 2004. This program assists localities in complying with new regulations governing stormwater runoff.

Pollution Taxes

In fiscal 2005, it is recommended that legislation be enacted to increase the Spill Compensation and Control tax rate from \$0.015 to \$0.031 per barrel on the initial transfer of petroleum products and hazardous substances and that the statutory cap on the tax be eliminated. This increase will generate an additional \$20 million in Spill Compensation and Control tax revenues in fiscal 2005 which will be used to subsidize administrative costs in the Department's Site Remediation program. In addition, these funds will be used to offset General Fund appropriations of \$2.5 million for County Environmental Health Agencies, \$2.2 million for Science, Research and Technology program costs, \$1.6 million for the Quality Assurance - Lab Certification program and \$604,000 for the Office of Permit Information and Assistance.

The Department will receive \$2.3 million from a new surcharge on all new tires sold in the state. This appropriation will create the Local Tire Management Program which will enable the Department to assist local municipalities in cleaning up tire piles throughout the state.

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Environmental Regulation

To strengthen the Department's enforcement efforts, fees have been raised in several areas. These monies will be used to support additional staff to expand the State's ability to secure reparations from responsible parties and to allow the State to increase prevention efforts in the area of domestic security. Of these fee increases, \$835,000 will be used to enhance nuclear facility monitoring, \$250,000 will be raised for the Toxic Catastrophe Prevention Program, and \$286,000 will support four new staff in Radioactive Materials Regulation. An additional 12 staff will be added to the Tidelands Program to enhance the program's efforts to manage, sell, or lease state riparian lands.

Smart Growth

The Fiscal 2005 Budget continues a \$1.5 million appropriation that was first provided as supplemental funding in fiscal 2004 for 30 new permit review staff whose primary goal is to protect New Jersey's water, air and other natural resources from unrestrained, haphazard growth. These staff, most of whom are located in the Department's Land Use Regulation (12), Water Supply (7), and Safe Drinking Water (5) programs, will concentrate on development projects that affect multiple DEP programs, thus ensuring a coordinated review. The Department is also focusing on the cross acceptance aspects of these permits and on expediting projects in areas that have been approved for growth.

Department Accomplishments

With the help of this Administration, the Department recently unveiled several ground-breaking regulatory initiatives placing New Jersey as a national leader on environmental regulation. First, the Department has announced the most comprehensive set of stormwater control regulations in the country, including establishment of 300 foot buffers around more than 6,000 miles of the state's

highest quality waterways. This new tool in the fight against sprawl will prevent degradation of drinking water and ensure water recharge into underground aquifers. Second, effective in 2006, the standard for arsenic in drinking water will be reduced to half the level deemed acceptable by the federal government. No other state has adopted a standard this protective of the public's health. Lastly, by 2007, mercury emissions from New Jersey's 10 coal-fired power plants will be reduced by 90%. This initiative will also constrain emissions at iron and steel smelters and waste incinerators throughout New Jersey.

The Department continues to make great strides in strengthening the State's environmental enforcement effort to uncover polluters inflicting damage on our valuable natural resources. With the help of a landmark settlement for chromium contamination totaling \$17 million, natural resource damage settlements have now exceeded \$24 million. The Department is currently assisting the Attorney General's office in pursuing over 4,000 potential claims for natural resource damages across New Jersey.

The Garden State Preservation Trust approved a new financing structure that allows the State to minimize interest and debt service costs to taxpayers while maximizing the proceeds generated for the open space program. The plan will provide the Garden State Preservation Trust with more than \$100 million through the use of current interest and zero coupon bonds to expedite the preservation of New Jersey's critical open space. The Governor's open space policy has set a goal of creating or upgrading 200 local parks and adding at least two state parks in the next three years. In fiscal 2004, seven bills appropriating nearly \$175 million for 267 land acquisition and recreation projects in all 21 counties were signed. Nearly \$50 million is targeted for open space preservation and park development in densely or highly populated areas.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUMMARY OF APPROPRIATIONS BY FUND

(thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2004 Adjusted Approp.	Requested	Recom- mended
212,720	33,859	2,567	249,146	234,645	Direct State Services	212,825	212,057	212,057
5,500	1,544	2,046	9,090	8,040	Grants-In-Aid	9,250	6,250	6,250
4,406	15,531	39	19,976	19,974	State Aid	4,258	9,011	9,011
80,745	75,580	-2,626	153,699	91,239	Capital Construction	126,464	128,273	128,273
76,833	—	2	76,835	76,832	Debt Service	68,053	63,240	63,240
380,204	126,514	2,028	508,746	430,730	Total General Fund	420,850	418,831	418,831
10,453	—	—	10,453	10,179	Total Property Tax Relief Fund	10,453	8,000	8,000
390,657	126,514	2,028	519,199	440,909	GRAND TOTAL	431,303	426,831	426,831

ENVIRONMENTAL PROTECTION

SUMMARY OF APPROPRIATIONS BY PROGRAM (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2004 Adjusted Approp.	Requested	Recom- mended	
DIRECT STATE SERVICES – GENERAL FUND									
Natural Resource Management									
7,151	—	286	7,437	7,437	Forest Resource Management	6,691	6,691	6,691	
39,159	1	-2	39,158	38,460	Parks Management	35,608	35,606	35,606	
12,510	3,604	2	16,116	15,568	Hunters' and Anglers' License Fund	13,142	12,897	12,897	
1,667	—	-298	1,369	1,367	Shellfish and Marine Fisheries Management	1,321	1,321	1,321	
338	71	-30	379	377	Wildlife Management	348	348	348	
2,174	—	1,613	3,787	3,762	Natural Resources Engineering	1,533	1,533	1,533	
2,214	—	174	2,388	2,388	Palisades Interstate Park Commission	2,214	2,214	2,214	
65,213	3,676	1,745	70,634	69,359	<i>Subtotal</i>	60,857	60,610	60,610	
Science and Technical Programs									
8,483	1,678	115	10,276	9,880	Water Supply	7,631	7,631	7,631	
1,222	—	346	1,568	1,568	Water Monitoring and Standards	—	—	—	
8,680	1,001	-580	9,101	9,101	Land Use Regulation	9,400	9,661	9,661	
3,046	264	-21	3,289	3,282	Science, Research and Technology	3,019	3,019	3,019	
1,324	—	74	1,398	1,398	New Jersey Geological Survey	—	—	—	
9,300	5,072	—	14,372	8,131	Environmental Remediation and Monitoring	13,347	13,800	13,800	
782	2,504	-1,198	2,088	181	Watershed Management	—	—	—	
32,837	10,519	-1,264	42,092	33,541	<i>Subtotal</i>	33,397	34,111	34,111	
Site Remediation and Waste Management									
9,120	4	-297	8,827	8,808	Solid and Hazardous Waste Management	8,790	8,790	8,790	
29,042	14,596	-13	43,625	42,601	Remediation Management and Response	30,453	30,453	30,453	
5,020	2,774	—	7,794	5,631	Environmental Remediation and Monitoring	6,740	6,960	6,960	
43,182	17,374	-310	60,246	57,040	<i>Subtotal</i>	45,983	46,203	46,203	
Environmental Regulation									
6,165	1,013	-234	6,944	6,154	Radiation Protection	6,131	6,583	6,583	
16,962	776	-300	17,438	16,837	Air Pollution Control	16,605	16,630	16,630	
7,573	—	-9	7,564	7,544	Water Pollution Control	7,652	7,609	7,609	
2,922	—	-84	2,838	2,817	Public Wastewater Facilities	2,935	2,935	2,935	
33,622	1,789	-627	34,784	33,352	<i>Subtotal</i>	33,323	33,757	33,757	
Environmental Planning and Administration									
2,126	1	23	2,150	2,150	Regulatory and Governmental Affairs	2,172	2,172	2,172	
18,172	6	2,582	20,760	20,760	Administration and Support Services	17,839	17,348	17,348	
20,298	7	2,605	22,910	22,910	<i>Subtotal</i>	20,011	19,520	19,520	
Compliance and Enforcement									
3,953	1	218	4,172	4,151	Air Pollution Control	4,542	4,250	4,250	
2,096	—	126	2,222	2,222	Pesticide Control	2,251	2,251	2,251	
5,677	—	67	5,744	5,742	Water Pollution Control	6,219	5,570	5,570	
1,846	493	266	2,605	2,604	Land Use Regulation	2,453	1,925	1,925	
3,996	—	-259	3,737	3,724	Solid and Hazardous Waste Management	3,789	3,860	3,860	
17,568	494	418	18,480	18,443	<i>Subtotal</i>	19,254	17,856	17,856	

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Year Ending June 30, 2003					Year Ending June 30, 2005			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2004 Adjusted Approp.	Requested	Recom- mended
212,720	33,859	2,567	249,146	234,645	<i>Subtotal Direct State Services – General Fund</i>	212,825	212,057	212,057
212,720	33,859	2,567	249,146	234,645	TOTAL DIRECT STATE SERVICES	212,825	212,057	212,057
GRANTS-IN-AID – GENERAL FUND								
Natural Resource Management								
500	—	-500	—	—	Forest Resource Management	—	—	—
5,000	—	2,046	7,046	7,046	Parks Management	3,250	250	250
—	1,544	—	1,544	494	Natural Resources Engineering	—	—	—
5,500	1,544	1,546	8,590	7,540	<i>Subtotal</i>	3,250	250	250
Science and Technical Programs								
—	—	500	500	500	Water Monitoring and Standards	—	—	—
—	—	—	—	—	Environmental Remediation and Monitoring	6,000	6,000	6,000
—	—	500	500	500	<i>Subtotal</i>	6,000	6,000	6,000
5,500	1,544	2,046	9,090	8,040	<i>Subtotal Grants-In-Aid – General Fund</i>	9,250	6,250	6,250
5,500	1,544	2,046	9,090	8,040	TOTAL GRANTS-IN-AID	9,250	6,250	6,250
STATE AID – GENERAL FUND								
Site Remediation and Waste Management								
—	13,281	—	13,281	13,281	Solid and Hazardous Waste Management	—	2,300	2,300
Environmental Regulation								
—	2,250	—	2,250	2,250	Public Wastewater Facilities	—	—	—
Environmental Planning and Administration								
4,406	—	39	4,445	4,443	Administration and Support Services	4,258	4,258	4,258
Compliance and Enforcement								
—	—	—	—	—	Water Pollution Control	—	2,453	2,453
4,406	15,531	39	19,976	19,974	<i>Subtotal State Aid – General Fund</i>	4,258	9,011	9,011
STATE AID – PROPERTY TAX RELIEF FUND								
Environmental Planning and Administration								
8,000	—	—	8,000	7,726	Administration and Support Services	8,000	8,000	8,000
Compliance and Enforcement								
2,453	—	—	2,453	2,453	Water Pollution Control	2,453	—	—
10,453	—	—	10,453	10,179	<i>Subtotal State Aid – Property Tax Relief Fund</i>	10,453	8,000	8,000
14,859	15,531	39	30,429	30,153	TOTAL STATE AID	14,711	17,011	17,011
CAPITAL CONSTRUCTION								
Natural Resource Management								
2,500	16,703	—	19,203	10,310	Parks Management	—	4,000	4,000
—	2,457	—	2,457	68	Hunters' and Anglers' License Fund	—	—	—
—	34	—	34	23	Shellfish and Marine Fisheries Management	—	—	—
—	788	-485	303	144	Wildlife Management	—	—	—
28,000	21,809	-2,117	47,692	25,065	Natural Resources Engineering	36,294	32,233	32,233

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Year Ending June 30, 2003					Year Ending June 30, 2005			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended		2004 Adjusted Approp.	Requested	Recom- mended
—	872	—	872	395	Palisades Interstate Park Commission	—	—	—
30,500	42,663	-2,602	70,561	36,005	<i>Subtotal</i>	36,294	36,233	36,233
8,650	765	—	9,415	8,720	Science and Technical Programs Water Supply	—	—	—
41,470	31,640	—	73,110	45,916	Site Remediation and Waste Management Environmental Remediation and Monitoring	90,170	92,040	92,040
—	3	—	3	—	Environmental Regulation Air Pollution Control	—	—	—
125	509	-24	610	598	Environmental Planning and Administration Administration and Support Services	—	—	—
80,745	75,580	-2,626	153,699	91,239	<i>Subtotal Capital Construction</i>	126,464	128,273	128,273
313,824	126,514	2,026	442,364	364,077	TOTAL APPROPRIATION	363,250	363,591	363,591

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

42. NATURAL RESOURCE MANAGEMENT

OBJECTIVES

1. To provide recreational, historic, natural and interpretive facilities.
2. To develop recreational lands and facilities, located in balance with population distribution.
3. To regulate the recreational use of public lands and minimize natural resource damage.
4. To provide safe marina facilities, navigational aids, and other services to the boating public.
5. To provide the financial assistance and engineering technology that minimizes potential loss of life and property damage due to flooding.
6. To manage and protect the state's forest resources. To minimize forest damage from wildfire, insects and disease, and to enhance the public's understanding of sustainable forest resource management.
7. To manage fish and wildlife resources of the State for long-term biological, economic and recreational viability.
8. To provide for the development of shore protection facilities and improvements, and to minimize personal and property damage resulting from tidal waters of the state.
9. To provide a system of highways, parkway roads, and bridges for the Palisades Interstate Park to facilitate travel through and within the park and ensure safe and efficient movement of traffic.

PROGRAM CLASSIFICATIONS

11. **Forest Resource Management.** The State Forestry Service manages and protects the rural and urban forest resources of New Jersey. The Forest Fire Service is mandated to prevent, manage and suppress wildfire on or threatening 3.1 million acres of State and private forest and wildlands of New Jersey.

The Forest Service promotes forestry by providing both State and federal programs in urban and community forestry; forest products conservation and recycling; private non-industrial forest lands management; forest insect and disease control; forest conservation and education; reforestation and tree improvement; and State lands management.

12. **Parks Management.** Operates, maintains and provides stewardship for thirty-nine State parks, five marinas, fifty-seven historic sites and districts, facilities and other recreational, natural, and interpretive facilities in a clean, safe and non-discriminatory manner; staffs facilities with maintenance, administrative, ranger and seasonal personnel to provide assistance, information, education, and interpretive and protective services to the public; manages properties to ensure the preservation of natural and historic resources while maintaining high quality recreational opportunities; plans for the development and improvement of new facilities and reviews and approves all new construction; provides literature regarding recreational facilities, natural area and historic preservation. Operates and maintains State marinas in a clean, safe and non-discriminatory manner for all boat owners and visitors. Safe moorings are provided for boaters during heavy storms.
13. **Hunters' and Anglers' License Fund.** Manages the wildlife resources of the state through programs of research, regulation, habitat development, land acquisition, law enforcement and public education. Trout and other species of fish, pheasants and quail are reared at State hatcheries and game farms and released throughout the state; public lands are acquired and maintained for use as wildlife management areas. Regulations regarding hunting and fishing seasons are developed and licenses are sold to provide a source of revenue to manage the state's wildlife resources.

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14. **Shellfish and Marine Fisheries Management.** Manages the marine shellfish and finfish resources of the state through research, monitoring, habitat protection, licensing and regulatory programs. Clam and oyster grounds are leased to commercial shellfishermen for aquaculture activities. Programs (relay and depuration) also provide for the safe utilization of shellfish from marginally polluted areas. Marine fisheries programs support the effective management of the numerous migratory species on a coastwide basis. An artificial reef program constructs fisheries habitat in ocean areas to enhance productivity, thus providing additional fishing and diving opportunities.
20. **Wildlife Management.** Conducts wildlife research to protect and manage the state's non-game, endangered and problem species. Additional responsibilities include permit review for wildlife possession, bird banding, scientific collection and public information.
21. **Natural Resources Engineering.** Develops, maintains, dredges and marks navigation channels on 200 miles of tidal inland waterways and large State-controlled lakes for the

safety and protection of the boating public and industries. Provides financial assistance to local governments with the construction of groins, jetties, bulkheads, sea walls, and beach replenishment under the shore protection program, carries out various dam safety inspections, and administers flood control and harbor cleanup programs.

24. **Palisades Interstate Park Commission.** Operates and maintains existing parks and historic sites in a clean, safe, and non-discriminatory manner for all visitors; plans for the improvement and development of new facilities; maintains highways, bridges, landscaped areas, signs, and traffic lines to ensure the safety of the motoring public. Enforces traffic laws on the Palisades Parkway and all other roads within the Commission's boundaries; polices Commission lands to ensure that park facilities are utilized in accordance with laws, statutes, and Commission regulations; maintains a police court with the powers and jurisdiction of a municipal court with respect to crimes, disorderly conduct, and violations of the motor vehicle and traffic or other laws of the State or of any of the rules and regulations of the Commission.

EVALUATION DATA

	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
PROGRAM DATA				
Forest Resource Management				
Fires (annual)	1,929	1,180	1,800	1,800
Acres lost (annual)	4,476	3,893	10,500	10,500
Acres of Prescribed Burning	12,125	5,667	15,000	20,000
Parks Management				
State parks and forests				
Total visitors	15,000,000	14,800,000	15,000,000	15,000,000
Total revenue	4,721,000	4,216,000	5,300,000	5,300,000
Historic sites				
Visitors	410,000	390,000	380,000	390,000
Revenue	23,000	36,952	— (a)	40,000
Hunters' and Anglers' License Fund				
Trout propagated and distributed	770,000	770,000	770,000	770,000
Pheasants reared at game farms	55,000	55,000	55,000	55,000
Other fish propagated and distributed	1,000,000	1,250,000	1,900,000	1,900,000
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	1,047	988	997	1,059
Federal	6	6	4	6
All Other	17	17	18	19
Total Positions	1,070	1,011	1,019	1,084
Filled Positions by Program				
Forest Resource Management	112	107	110	113
Parks Management	633	594	585	604
Hunters' and Anglers' License Fund	201	197	203	221
Shellfish and Marine Fisheries Management	37	35	41	47
Wildlife Management	25	21	19	18
Natural Resources Engineering	62	57	61	81
Total Positions	1,070	1,011	1,019	1,084

Notes:

Actual payroll counts are reported for fiscal years 2002 and 2003 as of December, and revised fiscal year 2004 as of September. The Budget Estimate for fiscal year 2005 reflects the number of positions funded.

(a) The two revenue generating historic sites, Batsto Mansion and Barnegat Lighthouse, were closed for repairs during fiscal 2004.

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APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
7,151	—	286	7,437	7,437	Forest Resource Management	11	6,691	6,691	6,691
39,159	1	-2	39,158	38,460	Parks Management	12	35,608	35,606	35,606
12,510	3,604	2	16,116	15,568	Hunters' and Anglers' License Fund	13	13,142	12,897	12,897
1,667	—	-298	1,369	1,367	Shellfish and Marine Fisheries Management	14	1,321	1,321	1,321
338	71	-30	379	377	Wildlife Management	20	348	348	348
2,174	—	1,613	3,787	3,762	Natural Resources Engineering	21	1,533	1,533	1,533
2,214	—	174	2,388	2,388	Palisades Interstate Park Commission	24	2,214	2,214	2,214
65,213	3,676	1,745	70,634	69,359	Total Direct State Services		60,857 ^(a)	60,610	60,610
Distribution by Fund and Object									
Personal Services:									
45,392	1,713				Salaries and Wages		40,157		
207 ^S	707 ^R	1,419	49,438	46,338		245 ^S	41,422	41,422	
—	—	—	—	2,193	Employee Benefits		1,958	2,487	2,487
45,599	2,420	1,419	49,438	48,531	Total Personal Services		42,360	43,909	43,909
4,005	642	-398	4,249	4,248	Materials and Supplies		3,617	3,344	3,344
2,445	295	77	2,817	2,762	Services Other Than Personal		2,132	2,167	2,167
3,405	77	-208	3,274	3,271	Maintenance and Fixed Charges		3,579	2,823	2,823
Special Purpose:									
1,759	—	10	1,769	1,769	Fire Fighting Costs	11	1,759	1,759	1,759
85	—	—	85	85	Cape May Point State Park – Staffing	12	85	85	85
4,768	—	—	4,768	4,495	Green Acres / Open Space Administration	12	4,683	4,683	4,683
11	—	—	11	11	Liberty State Park Commission	12	11	11	11
231	—	-32	199	198	Expenses of the Delaware and Raritan Canal Commission	12	—	—	—
150	—	13	163	163	Natural Lands Trust	12	109	109	109
3	—	—	3	2	Natural Areas Council	12	3	3	3
79	1	-30	50	50	Wildlife Monitoring – West Nile Virus	20	79	79	79
259	8	—	329	327	Endangered Species Tax Check-Off Donations	20	269	269	269
—	62 ^R	352	352	346	Bayshore Flood Control	21	—	—	—
1,316	—	137	1,453	1,453	Dam Safety	21	1,263	1,263	1,263
540	—	—	—	—	Additions, Improvements and Equipment		908	106	106
558 ^S	171	405	1,674	1,648					
<u>GRANTS-IN-AID</u>									
Distribution by Fund and Program									
500	—	-500	—	—	Forest Resource Management	11	—	—	—
5,000	—	2,046	7,046	7,046	Parks Management	12	3,250	250	250
—	1,544	—	1,544	494	Natural Resources Engineering	21	—	—	—
5,500	1,544	1,546	8,590	7,540	Total Grants-in-Aid		3,250	250	250

ENVIRONMENTAL PROTECTION

Orig. & (S)Supplemental	Year Ending June 30, 2003				Prog. Class.	2004 Adjusted Approp.	Year Ending June 30, 2005	
	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended			Requested	Recommended
GRANTS-IN-AID								
Distribution by Fund and Object								
Grants:								
500	—	-500	—	—				
					11	—	—	—
5,000	—	2,046	7,046	7,046				
					12	3,250	—	—
—	—	—	—	—	12	—	250	250
—	1,132	—	1,132	494	21	—	—	—
—	396	—	—	—				
—	16 ^R	—	412	—	21	—	—	—
CAPITAL CONSTRUCTION								
Distribution by Fund and Program								
2,500	16,703	—	19,203	10,310	12	—	4,000	4,000
—	2,457	—	2,457	68	13	—	—	—
—	34	—	34	23	14	—	—	—
—	788	-485	303	144	20	—	—	—
28,000	21,809	-2,117	47,692	25,065	21	36,294	32,233	32,233
—	872	—	872	395	24	—	—	—
30,500	42,663	-2,602	70,561	36,005		36,294	36,233	36,233
Distribution by Fund and Object								
Bureau of Parks								
—	—	—	—	—	12	—	4,000	4,000
2,200	6,028	—	8,228	4,502	12	—	—	—
—	668	—	668	488	12	—	—	—
—	82	—	82	61	12	—	—	—
—	462	—	462	416	12	—	—	—
—	519	—	519	259	12	—	—	—
—	37	—	37	2	12	—	—	—
—	27	—	27	—	12	—	—	—
—	43	—	43	—	12	—	—	—
—	73	—	73	—	12	—	—	—
—	922	—	922	669	12	—	—	—
—	497	—	497	—	12	—	—	—
200	27	—	227	108	12	—	—	—
—	79	—	79	52	12	—	—	—
100	345	—	445	219	12	—	—	—
—	147	—	147	137	12	—	—	—

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended	
<u>CAPITAL CONSTRUCTION</u>									
—	31	—	31	23					
—	4	—	4	2					
—	2,494	—	2,494	487					
—	906	—	906	513					
—	300	—	300	228					
—	20	—	20	—					
—	25	—	25	—					
—	803	—	803	157					
—	68	—	68	—					
—	1,862	—	1,862	1,862					
—	68	—	68	39					
—	166	—	166	86					
Palisades Interstate Park Commission									
—	151	—	151	17					
—	19	—	19	17					
—	347	—	347	222					
—	355	—	355	139					
Division of Fish and Wildlife									
—	2,412	—	2,412	68					
—	21	—	21	—					
—	24	—	24	—					
—	18	—	18	6					
—	107	—	107	9					
—	663	-485	178	129					
Shellfish and Marine Fisheries Management									
—	34	—	34	23					
Natural Resources Engineering									
25,000	18,395	-2,117	41,278	25,065					
—	—	—	—	—					
—	414	—	414	—					
—	3,000	—	3,000	—					
3,000	—	—	3,000	—					
101,213	47,883	689	149,785	112,904	Grand Total State Appropriation	100,401	97,093	97,093	

OTHER RELATED APPROPRIATIONS

Federal Funds

1,471									
808 ^S	1,386	—	3,665	1,750		3,634	4,529	4,529	
32,032	1,112	—	33,144	1,653		36,237	38,517	38,517	
9,710									
782 ^S	3,888	—	14,380	7,107		11,494	12,452	12,452	

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance as of June 30, 2004 of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.

Language Recommendations — Grants-In-Aid – General Fund

Loan repayments received from dam rehabilitation projects pursuant to P.L.1999, c.347 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Language Recommendations — Capital Construction

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34–6 et seq.), of the amounts appropriated for improvements in State parks, the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

The amount hereinabove for Shore Protection Fund Projects is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Shore Protection Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19–16.1).

An amount not to exceed \$900,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for repairs to the Bayshore Flood Control facility.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

43. SCIENCE AND TECHNICAL PROGRAMS

OBJECTIVES

1. To assure a safe and dependable supply of water.
2. To undertake technical activities, applied scientific research, policy analysis, and technology evaluation associated with human and ecological exposure to toxic substances, as well as other critical environmental issues identified by DEP. To serve as DEP's primary unit for environmental assessment, risk analysis, and evaluation of innovative technologies and cutting-edge environmental management strategies. These activities are designed to meet the department's information and problem-solving needs, and to identify current scientific needs which warrant the department's attention, as well as to proactively identify scientific issues and environmental problems before they become crises.
3. To map, research, and interpret scientific information on the state's geology and groundwater resources. This information supports the department's and other government agencies' regulatory and planning activities and provides the business community and the public with the geologic and hydrologic information needed to address environmental concerns and make economic decisions.
4. To develop and coordinate implementation of watershed management programs, ground water protection programs, and water supply management, development, conservation and protection plans.
5. To develop and coordinate the implementation of the Coastal Zone Management and the National Estuary programs, including the Delaware, NY/NJ Harbor and Barnegat Bay Estuaries.
6. To develop and coordinate water quality management planning functions, including water quality standards, wastewater management, point and nonpoint source pollution control and the restoration of aquatic habitats.

PROGRAM CLASSIFICATIONS

05. **Water Supply.** Administers New Jersey Private Well Testing Act and the federal and State Safe Drinking Water programs, the Well Permit program, and the Water Allocation program to ensure a safe and reliable water supply. Also administers the Drought Management Program. As part of the Safe Drinking Water program, administers the Drinking Water State

Revolving Fund (DWSRF) which includes a financing program for water supply projects, along with set asides for capacity development, training for licensed operators, and source water assessment and delineation activities.

07. **Water Monitoring and Standards.** Conducts ambient statewide freshwater quality monitoring (surface water, ground water and sediment), ambient marine surface water quality monitoring, biological monitoring, and targeted assessments in support of Total Maximum Daily Load (TMDL) and New Jersey Pollutant Discharge Elimination System (NJPDES) permit issuance. Develops Water Quality Monitoring and Assessment Report (previously 305(b) and 303(d) reports). Develops surface water and ground water standards. Coordinates the development and integration of biological criteria into State water quality standards. Manages the Lakes Grant Assistance program. Classifies shellfish growing area waters for shellfish harvesting, and conducts bacteriological and chemical analysis of shellfish for public health protection. Develops, operates, and maintains water quality database systems for both government and public access.
15. **Land Use Regulation.** Protects and manages the State's land and water resources through the implementation of the Coastal Area Facility Review Act (CAFRA), the Waterfront Development Law, the Coastal Wetlands Act of 1970, the Flood Hazard Area Control Act, the Freshwater Wetlands Protection Act and the federal consistency provisions of the Federal Coastal Zone Management Act. In addition to the resource protection mandates of these statutes, provisions of these programs have been established to protect lives and property from storm and flood damages throughout the state.
18. **Science, Research and Technology.** Environmental Assessment and Risk Analysis: Provides a fundamental scientific foundation for a wide range of departmental policies, actions and standard setting activities. Develops scientific information and innovative management strategies by performing environmental assessments and risk analyses, scientific investigations and technical assessments of toxic and carcinogenic contaminants, human health and ecological risk assessments, water quality assessments, applied research and technical evaluations, comprehensive review and assessment of the current state of scientific knowledge on specific issues,

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scientific connections for dealing with cross-media contaminants, new economically-based environmental management approaches, innovative technologies for remediation of hazardous waste sites, and effective risk communication techniques. Identifies emerging environmental strategies and issues and develops them for departmental implementation. Provides technical expertise toward the development of human health criteria for toxic contaminant standards in potable water, ground water, surface water and soil. The Office of Innovative Technology and Market Development (OITMD) fosters the growth and acceptance of innovative environmental and energy technology products and services in New Jersey by implementing the New Jersey Energy and Environmental Technology Verification Act in conjunction with the New Jersey Corporation for Advanced Technology and the Interstate Technology and Reciprocity Cooperation initiative. OITMD serves as DEP's lead program for the implementation of the New Jersey Greenhouse Gas/Climate Change Action Plan, as primary liaison with New Jersey Board of Public Utilities regarding environmental implications of BPU's renewable energy and energy conservation programs in fulfillment of DEP's role as environmental consultants to the BPU, as established in the Electric Discount and Energy Competition Act, and provides expertise to DEP in areas of environmental economics and sustainability.

22. **New Jersey Geological Survey.** Maps the geology and topography of the state, assesses offshore mineral resources and dredging, maintains a cooperative water monitoring program with the United States Geological Service (USGS) and reviews plans for underground storage of gas, oil and chemical disposal wells. The program also evaluates the supply potential and water quality of the state's aquifers, maintains a statewide geohydrologic database, maps aquifer recharge and wellhead protection areas, investigates ground-

water pollution problems, and supports other State and municipal programs through geophysical studies, groundwater investigations, and the use of Geographic Information Systems (GIS) technology.

29. **Environmental Remediation and Monitoring.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the department. A portion of this dedication has been used for the following purposes: watershed-based water resource planning and management, financing the cost of water quality point and nonpoint source pollution monitoring, nonpoint source pollution prevention projects, TMDL development and implementation, as well as lake restoration and grants. Conducts planning on watershed management, water quality, water supply, coastal zone management, nonpoint source control, stormwater management and other planning requirements associated with the federal Clean Water Act and New Jersey Water Quality Planning Act. Also administers the National Estuary Program and federal Section 604(b) water quality management planning and Section 319(h) nonpoint source grant programs.
80. **Drinking Water State Revolving Fund.** Set asides provided by the Drinking Water State Revolving Fund, including program administration, small system technical assistance, capacity development, operator certification, and source water protection activities. See related program classification 05 for further details.
90. **Watershed Management.** Conducts planning on watershed management, water quality, water supply, coastal zone management, stormwater management and planning requirements associated with the federal Clean Water Act. Conducts environmental impact statement reviews, acts as liaison with the State Planning Commission, and implements the State Development and Redevelopment Plan within the department.

EVALUATION DATA

	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
PROGRAM DATA				
Water Monitoring and Planning				
Ambient Marine Water:				
Water Samples Analyzed	20,000	20,000	19,000	18,000
Percent of shellfish bed acres open	78%	78%	78%	78%
Percent of shellfish bed acres seasonal	4%	3%	4%	4%
Percent of shellfish bed acres condemned	11%	11%	10%	10%
Percent of shellfish bed acres specially restricted	7%	8%	8%	8%
Land Use Regulation				
Tidelands:				
Tidelands appraisals	210	240	260	280
Tidelands inspections (inquiries-search)	300	320	280	280
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	420	390	410	474
Federal	55	51	55	55
Other	17	16	17	17
Total Positions	492	457	482	546

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	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
Filled Positions by Program				
Water Supply	136	125	138	162
Water Monitoring and Standards	46	40	48	49
Land Use Regulation	140	137	137	162
Science, Research and Technology	33	30	34	34
New Jersey Geological Survey	23	25	22	24
Environmental Remediation and Monitoring	40	38	61	67
Drinking Water State Revolving Fund	12	11	12	12
Watershed Management	62	51	30	36
Total Positions	492	457	482	546

Notes:

Actual payroll counts are reported in fiscal years 2002 and 2003 as of December, and revised fiscal year 2004 as of September. The Budget Estimate for fiscal year 2005 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended	
<u>DIRECT STATE SERVICES</u>									
Distribution by Fund and Program									
8,483	1,678	115	10,276	9,880	05	7,631	7,631	7,631	
1,222	—	346	1,568	1,568	07	—	—	—	
8,680	1,001	-580	9,101	9,101	15	9,400	9,661	9,661	
3,046	264	-21	3,289	3,282	18	3,019	3,019	3,019	
1,324	—	74	1,398	1,398	22	—	—	—	
9,300	5,072	—	14,372	8,131	29	13,347	13,800	13,800	
782	2,504	-1,198	2,088	181	90	—	—	—	
32,837	10,519	-1,264	42,092	33,541	33,397 ^(a)		34,111	34,111	
Distribution by Fund and Object									
Personal Services:									
10,435	—	-863	9,572	9,572	6,452				
					Salaries and Wages		1,233 ^S	7,697	7,697
10,435	—	-863	9,572	9,572	7,685		7,697	7,697	
182	—	-32	150	150	68		22	22	
2,913	—	-217	2,696	2,695	1,305				
					Services Other Than Personal		267 ^S	1,597	1,597
145	—	-33	112	112	85		52	52	
Special Purpose:									
1,231	—	—	1,231	1,138	Administrative Costs Water Supply Bond Act of 1981 – Management				
1,370	26 ^R	—	1,396	1,396	05	1,317	1,317	1,317	
904	14 ^R	—	918	918	05	1,480	1,480	1,480	
—	—	600	600	297	05	982	982	982	
					Private Well Testing – Safe Drinking Water Fund				
43	—	-43	—	—	05	—	—	—	
					Water/Wastewater Operators Licenses		43	43	
58	—	—	58	58	05	58	58	58	
					Office of the Rivermaster				

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Orig. & (S) Supplemental	Year Ending June 30, 2003				Prog. Class.	2004 Adjusted Approp.	Year Ending June 30, 2005		
	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended			Requested	Recommended	
<u>DIRECT STATE SERVICES</u>									
2,168	464 1,174 R	-6	3,800	3,800	05	2,339	2,339	2,339	
12	—	-7	5	5	15	12	12	12	
2,047	1,001 R	-198	2,850	2,850	15	2,176	2,676	2,676	
591	—	129	720	720					
					15	792	604	604	
650	—	-34	616	616					
					18	604	604	604	
538	264 R	—	802	802	18	577	577	577	
250	—	—	250	250	18	250	250	250	
9,300	2,572	2,500	14,372	8,131					
					29	13,347	13,800	13,800	
—	2,500	-2,500	—	—					
					29	—	—	—	
—	4	—	4	4					
					90	—	—	—	
—	2,500	-600	1,900	—					
					90	—	—	—	
—	—	40	40	27					
						10	1	1	
<u>GRANTS-IN-AID</u>									
Distribution by Fund and Program									
—	—	500	500	500	07	—	—	—	
—	—	—	—	—	29	6,000	6,000	6,000	
—	—	500	500	500		6,000	6,000	6,000	
Distribution by Fund and Object									
Grants:									
—	—	500	500	500	07	—	—	—	
—	—	—	—	—	29	6,000	6,000	6,000	
<u>CAPITAL CONSTRUCTION</u>									
Distribution by Fund and Program									
8,650	765	—	9,415	8,720	05	—	—	—	
8,650	765	—	9,415	8,720		—	—	—	
Distribution by Fund and Object									
Water Supply Management									
8,650	765	—	9,415	8,720	05	—	—	—	
41,487	11,284	-764	52,007	42,761		39,397	40,111	40,111	
<u>OTHER RELATED APPROPRIATIONS</u>									
Federal Funds									
23,700					05	23,700	23,700	23,700	
431 S	115	—	24,246	2,356					
3,500	171	—	3,671	2,413	07	3,500	4,250	4,250	
5,710	571	—	6,281	1,815	15	6,850	5,850	5,850	
800	52	—	852	464	18	1,100	750	750	
325	110	—	435	307	22	325	350	350	
10,610	202	—	10,812	4,118	90	9,510	7,715	7,715	
45,076	1,221	—	46,297	11,473		44,985	42,615	42,615	

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Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended	
OTHER RELATED APPROPRIATIONS									
All Other Funds									
—	256 169 ^R	—	425	78	Water Supply	05	1,787	2,546	2,546
—	33	—	33	5	Water Monitoring and Standards	07	—	—	—
—	242 33 ^R	—	275	—	Land Use Regulation	15	1,126	1,547	1,547
—	1,547 39 ^R	—	1,586	—	Science, Research and Technology	18	239	239	239
—	21	—	21	—	New Jersey Geological Survey	22	—	—	—
—	49 3,631 ^R	—	3,680	3,679	Drinking Water State Revolving Fund ^(b)	80	5,786	3,178	3,178
—	943	—	943	121	Watershed Management	90	—	—	—
—	<u>6,963</u>	—	<u>6,963</u>	<u>3,883</u>	Total All Other Funds	—	<u>8,938</u>	<u>7,510</u>	<u>7,510</u>
<u>86,563</u>	<u>19,468</u>	<u>-764</u>	<u>105,267</u>	<u>58,117</u>	GRAND TOTAL ALL FUNDS	—	<u>93,320</u>	<u>90,236</u>	<u>90,236</u>

Notes — Direct State Services – General Fund

- (a) The fiscal year 2004 appropriation has been adjusted for the allocation of salary program, which includes \$842,000 in appropriated receipts, in accordance with the provisions of P.L. 2003, c.122 (Fiscal Year 2004 Appropriations Act).
- (b) Program expenditures for the Drinking Water State Revolving Fund are reflected off budget.

Language Recommendations — Direct State Services – General Fund

The amounts hereinabove for the Administrative Costs Water Supply Bond Act of 1981 – Water Supply Management; Watershed and Aquifer; and Planning and Standards accounts are appropriated from the “Water Supply Bond Act of 1981,” P.L.1981, c.261, together with an amount, not to exceed \$403,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Safe Drinking Water Fund an amount not to exceed \$800,000 to administer the Private Well Testing Program.

The amounts hereinabove for the Safe Drinking Water Fund account are payable out of receipts, and receipts in excess of the amount anticipated, not to exceed \$1,298,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of P.L.1991, c.235 (C.13:1D-35 et seq.) or any other law to the contrary, the amount appropriated hereinabove for Greenhouse Gas Action Plan is chargeable to receipts anticipated from the Pollution Prevention Fund, together with an amount not to exceed \$239,000 for costs attributable to administration of the Greenhouse Gas Action Plan, subject to the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the “Corporation Business Tax Act (1945),” P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 2004 in the Water Resources Monitoring and Planning-Constitutional Dedication account is appropriated to be used in a manner consistent with the requirements of the constitutional dedication.

Notwithstanding any law to the contrary, funds shall be made available from the Water Resources Monitoring and Planning-Constitutional Dedication special purpose account to support nonpoint source pollution and watershed management programs, consistent with the constitutional dedication, within the Department of Environmental Protection in the amounts of \$1,536,000 for Water Monitoring and Standards, \$1,392,000 for New Jersey Geological Survey, \$157,000 for Watershed Management, \$500,000 for Forestry Management, and \$900,000 for Water Quality – Stormwater Management, and \$540,000 transferred to support the Conservation Cost Share program in the Department of Agriculture on or before September 1, 2004.

Notwithstanding the provisions of the “Spill Compensation and Control Act,” P.L.1976, c.141 (C.58:10-23.11 et seq.) and the “Safe Drinking Water Act,” P.L.1977, c.224 (C.58:12A-1 et seq.), the Commissioner of the Department of Environmental Protection may utilize from the funds appropriated from those sources hereinabove such sums as the Commissioner may determine as necessary to broaden the department’s research efforts to address emerging environmental issues.

In addition to the federal funds amount hereinabove for the Water Supply program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

Receipts in excess of those anticipated for Water Allocation Fees are appropriated to the Department of Environmental Protection for expansion of the Water Supply program, subject to the approval of the Director of the Division of Budget and Accounting.

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Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L. 1976, c.141 (C.58:10-23.11 et seq.) or any law to the contrary, the amounts appropriated hereinabove for the Office of Permit Information and Assistance account and the Science, Research and Technology program classification, excluding the Greenhouse Gas Action Plan account, are chargeable to receipts anticipated from the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Language Recommendations — Grants-In-Aid – General Fund

Notwithstanding any law to the contrary, the amount appropriated hereinabove for Stormwater Management Grants shall be payable from revenues received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 2004 in the Stormwater Management Grants account is appropriated.

Of the amount hereinabove for the Stormwater Management Grants program, such sums as are necessary or required may be transferred to the Water Resources Monitoring and Planning – Constitutional Dedication special purpose account, subject to the approval of the Director of the Division of Budget and Accounting.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

44. SITE REMEDIATION AND WASTE MANAGEMENT

OBJECTIVES

1. To remediate sites contaminated by hazardous substances and pollutants to protect human health and the environment, and to restore contaminated areas of the state for beneficial use.
2. To identify the universe of potential remediation sites, including currently known and suspected discharge sites, regulated underground storage tank sites, industrial establishments as defined by Industrial Site Recovery Act (ISRA), non-operating landfills, and Resource Conservation and Recovery Act (RCRA) facilities, and rank such sites for cleanup and closure in accordance with applicable regulations.
3. To rank sites, in order of their imminent risk to human health and the environment, and in those cases when the responsible party is either unknown or unable to perform the cleanup, utilize public funds to remediate the worst sites first.
4. To coordinate responses and take immediate action when major discharges of hazardous substances and pollutants endanger human health and the environment, especially water supplies.
5. To respond to emergency discharges of hazardous substances and pollutants throughout the state and enable the public to report environmental emergencies to the Department's communication center via toll-free access.
6. To maximize the use of private-party funds and require responsible parties to either conduct remedial work with Department oversight or to pay the Department for performing remedial work using public funds.
7. To develop and implement clear, consistent and predictable regulations on site remediation for use by the regulated community and the Department, and ensure that technically, geologically and scientifically justified cleanup objectives are met.
8. To implement a statewide solid waste planning process that emphasizes source reduction, recycling, and market development activities. To conduct comprehensive reviews of permit applications for solid waste, hazardous waste, recycling and composting facilities and landfill closures.
9. To compensate persons affected by hazardous substance discharges through the Spill Compensation Fund environmental claims program, the Sanitary Landfill Contingency Fund claims program, and loans and grants, administered in

conjunction with the Economic Development Authority, from the Hazardous Discharge Site Remediation Fund and Underground Storage Tank Fund.

PROGRAM CLASSIFICATIONS

19. **Publicly-Funded Site Remediation.** Conducts a program to remediate sites contaminated by hazardous substances where a responsible party cannot be identified or is unable or unwilling to voluntarily participate. These activities are supported by federal (Superfund) funds.
23. **Solid and Hazardous Waste Management.** Provides leadership, planning, education, and financial and technical assistance to the state's citizens and businesses to help them manage their waste responsibly. Regulates the generation, storage, collection, transportation, processing, treatment, and disposal of solid and hazardous wastes. Regulations and standards are implemented and monitored through on-site construction inspections, design reviews, data collection, and permit issuance. Administers the federal Resource Conservation and Recovery Act of 1976 (RCRA). Develops and implements programs to attain statewide recycling goals, and to reduce the quantities of waste generated. Monitors the solid waste collection industry to promote effective competition and to prohibit anti-competitive practices. Regulates and oversees mergers, acquisitions, and long-term financing arrangements of the solid waste utility industry. The Office of Dredging and Sediment Technology is responsible for evaluating and permitting all coastal dredging projects and is committed to the beneficial reuse of dredged material.
27. **Remediation Management and Response.** Conducts a statewide program to oversee the remediation of sites by private parties under the State's voluntary cleanup program and risk-based cleanup program and to remediate those sites for which a responsible party cannot be identified or is either unable or unwilling to voluntarily participate. Provides oversight to ensure that appropriate standards and technical requirements are met. The State Spill Compensation and Control Act, ISRA, Underground Storage of Hazardous Substances Act and the Water Pollution Control Act authorize the Department to oversee these projects. The program also provides management assistance and coordination of remedial activities at National Priority List Hazardous Site-Cleanups where the projects are led by the federal Environmental

ENVIRONMENTAL PROTECTION

Protection Agency, Department of Defense, or Department of Energy.

29. **Environmental Remediation and Monitoring.** Since 1996, 4% of the revenue annually derived from the tax imposed by the Corporation Business Tax Act (P.L.1945, c.162) has been dedicated to the Department. A portion of this dedication has been used to provide loans or grants to upgrade, replace or

close underground storage tanks, including the costs of remediation, and to finance the cost of remediating hazardous substance discharges. Beginning in fiscal 2005, the dedication is expanded to include the provision of loans and grants for site remediation redevelopment, pursuant to a November 2003 amendment to the State Constitution.

EVALUATION DATA

	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
PROGRAM DATA				
Remediation Management and Response				
ISRA:				
Negative declarations	250	609	500	500
Remedial action workplan approvals	13	11	15	15
Remediations monitored	1,600	1,601	1,600	1,600
Remediations completed	230	609	500	500
Discharge Response Element:				
Emergency responses	1,168	964	1,000	1,000
Remediations monitored	5,924	3,311	3,000	3,000
Remediations completed	1,600	2,211	2,000	2,000
Responsible Party Cleanup Element:				
Remedial action workplan approvals	89	61	75	75
Solid and Hazardous Waste Management				
Annual tonnage of solid waste:				
Generated statewide	17,700,000	17,800,000	18,800,000	19,000,000
Generated per capita (lbs./person/day)	11.50	11.60	12.20	12.30
Recycled statewide	9,600,000	9,700,000	10,200,000	10,500,000
Recycled per capita (lbs./person/day)	6.30	6.30	6.60	6.80
% reduction in solid waste stream due to recycling	54.2%	54.5%	54.2%	55.3%
Annual tonnage of hazardous waste generated statewide				
Disposed	118,823	92,600	89,000	91,000
Incinerated	48,119	54,014	71,000	63,000
.....	70,704	38,586	18,000	28,000
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	604	582	587	601
Federal	44	42	40	33
Total Positions	648	624	627	634
Filled Positions by Program				
Solid and Hazardous Waste Management	142	133	130	129
Remediation Management and Response	415	405	407	398
Environmental Remediation and Monitoring	91	86	90	107
Total Positions	648	624	627	634

Notes:

Actual payroll counts are reported for fiscal years 2002 and 2003 as of December, and revised fiscal year 2004 as of September. The Budget Estimate for fiscal year 2005 reflects the number of positions funded.

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APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recommended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
9,120	4	-297	8,827	8,808					
					23	8,790	8,790	8,790	
29,042	14,596	-13	43,625	42,601	27	30,453	30,453	30,453	
5,020	2,774	—	7,794	5,631	29	6,740	6,960	6,960	
43,182	17,374	-310	60,246	57,040		45,983 (a)	46,203	46,203	
Distribution by Fund and Object									
Personal Services:									
13,977	4,591 R	-2,500	16,068	16,067		14,942	13,885	13,885	
13,977	4,591	-2,500	16,068	16,067		14,942	13,885	13,885	
345	—	-81	264	262		251	302	302	
3,609	—	-337	3,272	3,250		3,526	3,861	3,861	
474	—	-159	315	307		353	516	516	
Special Purpose:									
358	—	21	379	379					
					23	338	338	338	
983	4 R	—	987	987	23	1,046	1,046	1,046	
—	—	2,781	2,781	2,587	27	—	—	—	
16,692	9,413 R	-13	26,092	26,092					
					27	17,637	17,637	17,637	
760	271 R	—	1,031	1,030	27	832	832	832	
5,020	2,774	—	7,794	5,631					
					29	6,740	6,960	6,960	
964	321	-22	1,263	448		318	826	826	
STATE AID									
Distribution by Fund and Program									
—	13,281	—	13,281	13,281	23	—	2,300	2,300	
---	13,281	---	13,281	13,281		---	2,300	2,300	
Distribution by Fund and Object									
State Aid:									
—	9,681	—	9,681	9,681	23	—	—	—	
—	3,600	—	3,600	3,600	23	—	—	—	
—	—	—	—	—	23	—	2,300	2,300	
CAPITAL CONSTRUCTION									
Distribution by Fund and Program									
41,470	31,640	—	73,110	45,916	29	90,170	92,040	92,040	

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2003					Year Ending June 30, 2005								
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recommended					
CAPITAL CONSTRUCTION													
41,470	31,640	---	73,110	45,916	Total Capital Construction		90,170	92,040	92,040				
Distribution by Fund and Object													
Site Remediation													
22,870	31,640	---	54,510	27,316	Hazardous Substance Discharge Remediation – Constitutional Dedication		29	51,400	52,440	52,440			
18,600	---	---	18,600	18,600	Private Underground Tank Remediation – Constitutional Dedication		29	38,770	19,800	19,800			
---	---	---	---	---	Hazardous Substance Discharge Remediation Loans and Grants – Constitutional Dedication		29	---	19,800	19,800			
84,652	62,295	-310	146,637	116,237	Grand Total State Appropriation		136,153	140,543	140,543				
OTHER RELATED APPROPRIATIONS													
Federal Funds													
---	---	---	---	---	Publicly-Funded Site Remediation		19	30,500 (b)	30,500	30,500			
2,495	---	---	---	---	Solid and Hazardous Waste Management		23	2,395	2,395	2,395			
50 ^S	157	---	2,702	2,175	Remediation Management and Response		27	12,305	10,055	10,055			
37,305	---	---	42,346	16,887	Total Federal Funds		---	45,200	42,950	42,950			
100 ^S	4,941	---	45,048	19,062	All Other Funds								
39,950	5,098	---	45,048	19,062	Solid and Hazardous Waste Management		23	380	640	640			
---	226	---	226	168	Remediation Management and Response		27	14,326	16,381	16,381			
---	13	---	14	---	Total All Other Funds		---	14,706	17,021	17,021			
---	1 ^R	---	240	168	GRAND TOTAL ALL FUNDS		---	196,059	200,514	200,514			
124,602	67,633	-310	191,925	135,467	GRAND TOTAL ALL FUNDS		---	196,059	200,514	200,514			

Notes — Direct State Services – General Fund

- (a) The fiscal year 2004 appropriation has been adjusted for the allocation of salary program, which includes \$321,000 in appropriated receipts, in accordance with the provisions of P.L.2003, c.122 (Fiscal Year 2004 Appropriations Act).
- (b) The fiscal year 2004 federal Superfund Grants program was appropriated in program class 27, but for consistency is displayed here in program class 19.

Language Recommendations — Direct State Services – General Fund

The amount hereinabove for the Office of Dredging and Sediment Technology is appropriated from the “1996 Dredging and Containment Facility Fund,” created pursuant to section 18 of P.L.1996, c.70, the “Port of New Jersey Revitalization, Dredging, Environmental Cleanup, Lake Restoration, and Delaware Bay Area Economic Bond Act of 1996,” together with an amount not to exceed \$225,000 for the administration of the Dredging and Sediment Technology program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding section 5 of P.L.1981, c.278 (C.13:1E-96), the amount hereinabove for the Recycling of Solid Waste account is appropriated from the State Recycling Fund, together with an amount not to exceed \$415,000, for the administration of the Recycling of Solid Waste program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the “Sanitary Landfill Facility Closure and Contingency Fund Act,” P.L.1981, c.306 (C.13:1E-100 et seq.).

In addition to site specific charges, the amounts hereinabove for the Remediation Management and Response program class, excluding the Hazardous Discharge Site Cleanup Fund – Responsible Party and the Underground Storage Tanks accounts, are appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), together with an amount not to exceed \$5,885,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

ENVIRONMENTAL PROTECTION

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund – Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$10,496,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly–Funded Site Remediation program classification, such additional sums that may be received from the federal government for the Superfund Grants program are hereby appropriated.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the “Corporation Business Tax Act (1945),” P.L.1945, c.162 (C.54:10A–1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 2004 in the Cleanup Projects Administrative Costs – Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the Clean Communities Program Fund such sums as may be available to meet the following requirements: 1) 25% of the estimated annual balance up to \$4,000,000, as determined by the Director of the Division of Budget and Accounting, to the State Recycling Fund established pursuant to section 5 of P.L.1981, c.278 (C.13:1E–96); 2) \$300,000 of the estimated annual balance to the Department of Environmental Protection for an organization under contract with the department which meets the requirements pursuant to subsection d. of section 6 of P.L. 2002, c.128 (C.13:1E–218); and 3) the balance, as determined by the Director of the Division of Budget and Accounting, of the Clean Communities Program Fund established pursuant to section 5 of P.L. 2002, c.128 (C.13:1E–217) for the purposes set forth in subsections a., b., c. and d. of that section.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10–23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Solid Waste Utility Regulation, are appropriated to the Solid and Hazardous Waste account for costs incurred to develop an Economic Competition Model, and to oversee the State’s recycling efforts and other solid waste program activities.

Language Recommendations — State Aid – General Fund

The amount hereinabove for the Local Tire Management Program is payable from receipts derived from a surcharge on the sale of new tires subject to the enactment of enabling legislation.

Language Recommendations — Capital Construction

The amounts hereinabove for Hazardous Substance Discharge Remediation – Constitutional Dedication, Private Underground Storage Tank Remediation – Constitutional Dedication, and Hazardous Substance Discharge Remediation Loans and Grants – Constitutional Dedication shall be provided from revenue received from the Corporation Business Tax, pursuant to the “Corporation Business Tax Act (1945),” P.L. 1945, c.162 (C.54:10A–1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

Of the amount hereinabove appropriated for Hazardous Substance Discharge Remediation – Constitutional Dedication, such sums as necessary, as determined by the Director of the Division of Budget and Accounting, shall be made available for site remediation costs associated with State–owned properties and State–owned underground storage tanks.

All natural resource damages recovered by the State shall be deposited in the Hazardous Discharge Site Cleanup Fund established pursuant to section 1 of P.L.1985, c.247 (C.58:10–23.34), and are appropriated for the direct and indirect costs of restoration and associated consulting and legal services.

Funds made available for the remediation of the discharges of hazardous substances pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution and appropriated hereinabove, shall be allocated to the Economic Development Authority’s Hazardous Discharge Site Remediation Fund and the Department of Treasury’s Brownfield Site Reimbursement Fund, subject to the approval of the Director of the Division of Budget and Accounting.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

45. ENVIRONMENTAL REGULATION

OBJECTIVES

1. To monitor and report on the biological, chemical and physical quality of surface waters, ground waters and sediments in the state so as to evaluate the effectiveness of existing regulatory programs in protecting and improving New Jersey’s water quality. To monitor New Jersey Pollutant Discharge Elimination System (NJPDES) permit compliance.
2. To carry out the purposes and requirements of enabling legislation and regulations.
3. To conduct reviews of permit applications and to promote meaningful public input.
4. To assist permittees in complying with applicable permit requirements and inform them of compliance issues.
5. To improve the efficiency of the permit review process while maintaining or improving protection of the environment, to eliminate procedures and requirements that do not lead to greater environmental protection, and to consolidate the reviews of multiple permits for individual facilities or projects.

6. To improve and protect water quality with available Environmental Infrastructure Trust funds.
7. To establish and maintain policies and procedures for the generation, compilation, review and use of data of documented quality, as required by the United States Environmental Protection Agency (USEPA).
8. To certify the analytical capabilities of laboratories performing analyses in response to the State's environmental programs.
9. To provide a comprehensive program to prevent releases of petroleum products and hazardous substances by providing information regarding these releases in the community and the workplace.

PROGRAM CLASSIFICATIONS

01. **Radiation Protection.** Licenses, registers and inspects owners of machine sources, naturally occurring or accelerator-produced radioactive materials, and non-ionizing sources of radiation. Inspects mammography facilities under contract with the Food and Drug Administration. Licenses x-ray technologists, nuclear medicine technologists, and radon testers and mitigators. Determines exposure pathways and environmental or health impact of sources of radiation and provides direction on remediation. Provides emergency planning and response and monitoring around nuclear power plant sites. Tracks shipments of large quantities of radioactive materials through New Jersey. Establishes and maintains policies and procedures for the generation, compilation, review and the use of data of documented quality, as required by the USEPA. Reviews data submitted to the Department to verify its quality and determine its usability. Certifies the analytical capabilities of laboratories performing analyses in response to the State's environmental programs.
02. **Air Pollution Control.** Protects and enhances the air environment. Provides overall air quality management to attain the health based ambient air quality standards and visibility goals. Coordinates air quality planning to ensure compliance with State and federal requirements. Conducts ambient air monitoring, emission inventory development, and air pollution control rule development. Participates in the air pollution control aspects of the motor vehicle inspection and maintenance programs. Reviews construction plans for new and modified stationary sources of potential air pollution and issues permits for construction and operation; validates tax exemption claims for air pollution control equipment; oversees the conduct of periodic stack tests to determine air contaminant emission rates; oversees continuous emission monitoring of stacks; reviews and conducts air quality modeling studies of major new sources of air contamination; reviews and restricts the health risk of toxic air contaminant emissions from stationary sources; and reviews and issues facility-wide operating permits for major existing sources of air pollution. Provides program coordination in compliance with State and federal mandates to attain air quality standards. Conducts air monitoring, planning and analysis, as well as motor vehicle pollution control projects and the development of regulations.
- Release Prevention.** Implements and ensures compliance with New Jersey's Community Right To Know and Superfund Amendments and Reauthorization Act (SARA) Title III programs which gather information on the use, storage and release of toxic chemicals in the state and make information available to the public. Implements and ensures compliance with the Toxic Catastrophe Prevention Act to identify companies which handle extraordinarily hazardous substances and ensure that procedures are in place to prevent devastating accidental chemical releases. The Discharge Prevention Containment and Countermeasures (Oil Spill Prevention) program reduces the possibility of hazardous spills through plan submittals and compliance/investigative procedures. The Pollution Prevention program analyzes pollution prevention plans submitted by operators of priority industrial facilities. These plans document how operators plan to reduce the release of hazardous substances into the environment.
08. **Water Pollution Control.** Administers the NJPDES program to protect New Jersey's surface and ground water by assuring proper treatment and disposal of wastewater (and its residuals) and stormwater from various types of facilities and activities, including the generation, monitoring, and beneficial management of sludge and sludge derived products. To accomplish this, the program issues permits which impose requirements to limit and/or prevent the discharge of pollutants into waters of the state. The regulated facilities vary widely in size from small uses such as campgrounds, schools, and shopping centers to larger industrial and municipal wastewater discharges. Implements Treatment Works Approval program to regulate the construction of wastewater collection, conveyance, and treatment facilities.
09. **Public Wastewater Facilities.** Administers the New Jersey Environmental Infrastructure Financing program along with the New Jersey Environmental Infrastructure Trust, an independent State financing authority. The program provides loans to local government units for the construction of Environmental Infrastructure facilities through the Clean Water State Revolving Fund, with funds made available under the federal Clean Water Act and various State bond acts. The projects eligible for financial assistance include water and wastewater treatment plant upgrades or improvements, facilities for the beneficial reuse and treatment of sewage sludge, collection and conveyance facilities, on-site system rehabilitation, infiltration/inflow correction, combined sewer overflow and interconnection/cross-connection abatement, and nonpoint source projects (such as land acquisition, brownfield remediation, well sealing, and landfills).
16. **Water Monitoring and Planning.** Federal funds for regulating the discharge of contaminants/toxics from wastewater treatment facilities and the management of residuals, the management of sludge (residuals), and the issuance of stormwater permits.
70. **Clean Waters.** Administrative costs provided by the Clean Water State Revolving Fund, which provides loans to local government units for the construction of environmental infrastructure treatment facilities. See related program classification 09 for further details.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
PROGRAM DATA				
Radiation Protection				
X-ray machines inspected	7,541	6,236	5,429	5,500
X-ray machine violations (% of inspected)	26%	30%	30%	28%
Homes tested for radon	31,000	40,000	40,000	41,000
Homes mitigated for radon	2,500	3,000	3,000	3,300
Lung cancers avoided	125	137	137	137
Release Prevention				
Toxic Catastrophe Prevention				
Inspections	184	120	130	150
Accident investigations	1	2	2	2
Right To Know				
Information requests	1,246	1,600	1,500	1,600
Audits for facilities	938	1,000	1,000	1,000
Notice of violations	194	200	80	200
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	526	473	487	538
All Other	45	41	37	33
Total Positions	571	514	524	571
Filled Positions by Program				
Radiation Protection	91	83	89	95
Air Pollution Control	186	171	165	180
Release Prevention	72	49	63	73
Water Pollution Control	141	134	129	146
Public Wastewater Facilities	61	54	55	57
Clean Waters	20	23	23	20
Total Positions	571	514	524	571

Notes:

Actual payroll counts are reported for fiscal years 2002 and 2003 as of December, and revised fiscal year 2004 as of September. The Budget Estimate for fiscal year 2005 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended	
DIRECT STATE SERVICES									
Distribution by Fund and Program									
6,165	1,013	-234	6,944	6,154	01	6,131	6,583	6,583	
16,962	776	-300	17,438	16,837	02	16,605	16,630	16,630	
7,573	—	-9	7,564	7,544	08	7,652	7,609	7,609	
2,922	—	-84	2,838	2,817	09	2,935	2,935	2,935	
33,622	1,789	-627	34,784	33,352		33,323 (a)	33,757	33,757	
Distribution by Fund and Object									
Personal Services:									
18,937	—	-371	18,566	18,494		18,601	19,425	19,425	
18,937	—	-371	18,566	18,494		18,601	19,425	19,425	
240	—	-30	210	209		245	198	198	
4,447	—	-333	4,114	3,746		3,841	3,460	3,460	

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended	
<u>DIRECT STATE SERVICES</u>									
233	—	-18	215	215		238	232	232	
Maintenance and Fixed Charges Special Purpose:									
1,256 888 ^S	1,007	—	3,151	2,390	01	1,382 838 ^S	2,217	2,217	
1,527	—	-31	1,496	1,496					
Quality Assurance – Lab Certification Programs									
1,731	544 ^R	—	2,275	2,275	01	1,671	1,571	1,571	
Pollution Prevention									
912	—	-126	786	786	02	1,803	1,803	1,803	
Toxic Catastrophe Prevention									
1,012	75 ^R	—	1,087	1,087	02	834	1,084	1,084	
Worker and Community Right to Know Act									
2,439	146 ^R	-15	2,570	2,569	02	1,087	1,087	1,087	
Oil Spill Prevention									
—	17	297	314	85		2,607	2,607	2,607	
Additions, Improvements and Equipment									
						176	73	73	
<u>STATE AID</u>									
Distribution by Fund and Program									
—	2,250	—	2,250	2,250	09	—	—	—	
Public Wastewater Facilities									
—	2,250	—	2,250	2,250		—	—	—	
Total State Aid									
Distribution by Fund and Object									
State Aid:									
—	2,250	—	2,250	2,250	09	—	—	—	
Quinton Township – Wastewater Project									
<u>CAPITAL CONSTRUCTION</u>									
Distribution by Fund and Program									
—	3	—	3	—	02	—	—	—	
Air Pollution Control									
—	3	—	3	—		—	—	—	
Total Capital Construction									
Distribution by Fund and Object									
Policy and Planning									
—	3	—	3	—	02	—	—	—	
Air Pollution Monitoring Equipment									
33,622	4,042	-627	37,037	35,602		33,323	33,757	33,757	
Grand Total State Appropriation									
<u>OTHER RELATED APPROPRIATIONS</u>									
Federal Funds									
500	27	—	527	340	01	500	500	500	
Radiation Protection									
6,217	—	—	7,073	4,638	02	6,217	6,017	6,017	
Air Pollution Control									
100 ^S	756	—	7,073	4,638	09	57,600	57,600	57,600	
Public Wastewater Facilities (b)									
57,600	—	—	57,600	—	16	705	710	710	
Water Monitoring and Planning									
710	251	—	961	622		<u>65,022</u>	<u>64,827</u>	<u>64,827</u>	
Total Federal Funds									
65,127	1,034	—	66,161	5,600					
All Other Funds									
—	626 315 ^R	-10	931	537	01	337	1,265	1,265	
Radiation Protection									
—	385	370	755	356	02	2,257	2,306	2,306	
Air Pollution Control									
—	26	—	26	—	09	—	—	—	
Public Wastewater Facilities									
—	4 2,281 ^R	—	2,285	2,285	70	2,400	2,400	2,400	
Clean Waters									
—	3,637	360	3,997	3,178		4,994	5,971	5,971	
Total All Other Funds									
98,749	8,713	-267	107,195	44,380		103,339	104,555	104,555	
GRAND TOTAL ALL FUNDS									

ENVIRONMENTAL PROTECTION

Notes — Direct State Services – General Fund

- (a) The fiscal year 2004 appropriation has been adjusted for the allocation of salary program, which includes \$206,000 in appropriated receipts, in accordance with the provisions of P.L. 2003, c.122 (Fiscal Year 2004 Appropriations Act).
- (b) Program expenditures for the Clean Water State Revolving Fund are reflected off budget in the Wastewater Treatment Fund.

Language Recommendations — Direct State Services – General Fund

The amount hereinabove for the Nuclear Emergency Response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.), and the unexpended balances as of June 30, 2004 in the Nuclear Emergency Response account, together with receipts in excess of the amount anticipated, not to exceed \$928,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Pollution Prevention account is appropriated from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$701,000, for administration of the Pollution Prevention program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the Worker and Community Right to Know Fund, and the receipts in excess of the amount anticipated, not to exceed \$458,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Oil Spill Prevention program is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed \$1,144,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

Notwithstanding the provisions of the "Spill Compensation and Control Act," P.L. 1976, c.141 (C.58:10-23.11 et seq.) or any law to the contrary, the amount appropriated hereinabove for the Quality Assurance – Lab Certification Programs is chargeable to receipts anticipated from the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

46. ENVIRONMENTAL PLANNING AND ADMINISTRATION

OBJECTIVES

1. To develop administrative policy, evaluate performance, and coordinate program activities.
2. To support activities related to departmental planning, auditing, and legislative services.
3. To support a communication program which imparts the Department's mission to the public and to encourage public participation in decision-making.
4. To support the Department and its objectives in terms of the control of personnel, financial resources, general services, information systems, and equipment.

PROGRAM CLASSIFICATIONS

26. **Regulatory and Governmental Affairs.** Coordinates the proposal and adoption of environmental rules and regulations.

Serves as central point of contact regarding State and federal legislation. Develops and executes public information, environmental education and communications strategies for the Department's programs. Serves as liaison to the Legislature as well as county and municipal governmental officials.

99. **Administration and Support Services.** Sets policies and develops short and long range plans and strategies; coordinates with governmental agencies; and provides legislative review and legal analysis. Provides general support services including personnel, payroll, purchasing, data processing, printing, training, word processing, program evaluation, and property control. Also provides financial management, including budget and accounting services, as well as fiscal control and financial monitoring of all General Fund monies, federal funds, bond funds and tax accounts.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
PROGRAM DATA				
Administration and Support Services				
Male Minority	215	219	222	228
Male Minority %	6.5	6.6	6.7	6.9
Female Minority	261	266	271	280
Female Minority %	7.9	8.1	8.1	8.5
Total Minority	476	485	493	508
Total Minority %	14.4	14.7	14.8	15.4
PERSONNEL DATA				
Position Data				
Filled Positions by Funding Source				
State Supported	325	306	311	298
All Other	5	5	5	5
Total Positions	330	311	316	303
Filled Positions by Program				
Regulatory and Governmental Affairs	41	39	42	40
Administration and Support Services	289	272	274	263
Total Positions	330	311	316	303

Notes:

Actual payroll counts are reported for fiscal years 2002 and 2003 as of December, and revised fiscal year 2004 as of September. The Budget Estimate for fiscal year 2005 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
2,126	1	23	2,150	2,150				
					26	2,172	2,172	2,172
18,172	6	2,582	20,760	20,760				
					99	17,839	17,348	17,348
20,298	7	2,605	22,910	22,910		20,011 ^(a)	19,520	19,520
Distribution by Fund and Object								
Personal Services:								
15,089	—	2,646	17,735	17,735		16,015	16,015	16,015
15,089	—	2,646	17,735	17,735		16,015	16,015	16,015
232	—	-46	186	186		152	117	117
988	—	180	1,168	1,168		975	1,000	1,000
280	—	-142	138	138		258	267	267
Special Purpose:								
2,000	—	—	2,000	2,000				
					99	1,500	1,500	1,500
98	—	-98	—	—				
					99	98	98	98
1,611	7	65	1,683	1,683				
						1,013	523	523
STATE AID								
Distribution by Fund and Program								
12,406	—	39	12,445	12,169				
					99	12,258	12,258	12,258
4,406	—	39	4,445	4,443		4,258	4,258	4,258

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2003					Year Ending June 30, 2005			
Orig. & (S)Supplemental	Reapp. & (R)Recpts.	Transfers & (E)Emergencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recommended
8,000	—	—	8,000	7,726				
					STATE AID			
					<i>(From Property Tax Relief Fund)</i>			
						8,000	8,000	8,000
12,406	—	39	12,445	12,169	Total State Aid	12,258	12,258	12,258
4,406	—	39	4,445	4,443	<i>(From General Fund)</i>	4,258	4,258	4,258
8,000	—	—	8,000	7,726	<i>(From Property Tax Relief Fund)</i>	8,000	8,000	8,000
					Distribution by Fund and Object			
					State Aid:			
1,287	—	39	1,326	1,326	Mosquito Control, Research, Administration and Operations	99	1,304	1,304
8,000	—	—	8,000	7,726	Payment In Lieu of Taxes (PTRF)	99	8,000	8,000
2,954	—	—	2,954	2,954	Administration, Planning and Development Activities of the Pinelands Commission	99	2,954	2,954
165	—	—	165	163	Grants to Local Environmental Commissions	99	—	—
					CAPITAL CONSTRUCTION			
					Distribution by Fund and Program			
125	509	-24	610	598	Administration and Support Services	99	—	—
125	509	-24	610	598	Total Capital Construction			
					Distribution by Fund and Object			
					Administrative Operations			
—	28	—	28	23	New Jersey Environmental Management System	99	—	—
125	481	-24	582	575	Mosquito Control Equipment	99	—	—
32,829	516	2,620	35,965	35,677	Grand Total State Appropriation	32,269	31,778	31,778
					OTHER RELATED APPROPRIATIONS			
76,833	—	2	76,835	76,832	Total Debt Service	68,053	63,240	63,240
					Federal Funds			
150	—	—	150	—	Regulatory and Governmental Affairs	26	150	150
2,500	4	—	2,504	508	Administration and Support Services	99	3,250	3,250
2,650	4	—	2,654	508	Total Federal Funds	3,400	3,400	3,400
					All Other Funds			
—	232 88 ^R	—	320	173	Regulatory and Governmental Affairs	26	—	—
—	1,242 432 ^R	1,074	2,748	1,472	Administration and Support Services	99	432	432
—	1,994	1,074	3,068	1,645	Total All Other Funds	432	432	432
112,312	2,514	3,696	118,522	114,662	GRAND TOTAL ALL FUNDS	104,154	98,850	98,850

Notes — Direct State Services – General Fund

(a) The fiscal year 2004 appropriation has been adjusted for the allocation of salary program in accordance with the provisions of P.L. 2003, c. 122 (Fiscal Year 2004 Appropriations Act).

Language Recommendations — State Aid – General Fund

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are hereby appropriated to the Pinelands Commission.

Language Recommendations — State Aid – Property Tax Relief Fund

If the amount appropriated herein for Payment in Lieu of Taxes is insufficient to compensate municipalities for land owned by the State for conservation and recreation purposes, as determined according to the formula for payments in lieu of taxes in the “Garden State Preservation Trust Act” P.L.1999, c.152 (C.13:8C–1 et seq.) such additional sums as are necessary are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection d. of section 29 of P.L.1999, c.152 (C.13:8C–29) or subsection d. of section 30 of P.L.1999, c.152 (C.13:8C–30), or any other law to the contrary, all payments to municipalities in lieu of taxes for lands acquired by the State for recreation and conservation purposes shall be retained by the municipality and not apportioned in the same manner as the general tax rate of the municipality.

40. COMMUNITY DEVELOPMENT AND ENVIRONMENTAL MANAGEMENT

47. COMPLIANCE AND ENFORCEMENT

OBJECTIVES

1. To protect public health and improve the environment by ensuring compliance with the State’s rules and regulations concerning coastal and land use, air pollution, water resources, solid and hazardous waste, and pesticides.
2. To assure consistency in enforcement policies, protocols and actions taken by the Department.
3. To provide compliance assistance to all businesses, with a special emphasis on small businesses and local governments.
4. To augment the Department’s enforcement, inspection and monitoring activities under the County Environmental Health Act by strengthening agreements with local health agencies to enforce environmental regulations.
5. To improve the quality of the state’s beaches through cooperation with the Departments of Correction and Health and the Army Corps of Engineers in programs which reduce floatable debris and monitor ocean water quality.
6. To inspect, monitor, and report on the quality of surface and groundwater discharges in the state.
7. To protect the public and the environment from any hazards resulting from the production, use, sale, storage or other activities related to pesticides.

PROGRAM CLASSIFICATIONS

02. **Air Pollution Control.** Conducts investigations to determine compliance with the Air Pollution Control Act at regulated facilities. Issues enforcement documents and tracks, records and reports on associated administrative activities to ensure compliance. Develops enforcement cases, processes violations, assesses penalties and negotiates compliance schedules for these programs.
04. **Pesticide Control.** Regulates the manufacture, distribution, storage, sale, possession, and use of pesticides. Conducts complaint investigations and routine inspections. Compliance assistance and pollution prevention activities are performed through training and outreach. Promotes reducing the use of pesticides through practical pest control techniques known as “Integrated Pest Management” (IPM). All pesticide products sold in the state are registered with this program. Pesticide applicators and dealers are certified and licensed, and permits

are issued for mosquito/fly control and aquatic pesticide use. Monitoring and evaluation of pesticide hazards and laboratory analysis of pesticide samples are also conducted.

08. **Water Pollution Control.** Responsible for providing compliance assistance, conducting monitoring and investigations, and issuing enforcement actions in support of the water programs. A particular focus is placed on inspections of wastewater dischargers and community drinking water supply facilities; prevention and correction of non-compliance conditions through a multifaceted compliance assistance program including outreach, education, and a Discharge Monitoring Report guidance manual; issuance of administrative and judicial enforcement actions for chronic or significant violations; and investigation of complaints relating to water resources. Monitors compliance with all permits issued under the New Jersey Pollutant Discharge Elimination System (NJPDES) for surface water, ground water and indirect discharges to Publicly-Owned Treatment Works (POTW’s). Formal enforcement actions are also issued for violations in the Water Allocation Program and against State certified laboratories which fail to comply with the laboratory certification program requirements.
15. **Land Use Regulation.** Conducts investigations and site inspections required for compliance with State regulations and permits issued pursuant to the Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act, the Coastal Area Facility Review Act, the Wetlands Act of 1970, the Dam Safety Act, and the Waterfront Development and Riparian Lands statutes. Responding to reports of alleged violations of the above statutes, the program advises individuals how to achieve and/or maintain compliance.
23. **Solid and Hazardous Waste Management.** Manages and conducts compliance and enforcement activities to ensure that hazardous waste and used oil are collected, stored, transported, recycled, and disposed of in an environmentally acceptable manner. Assures compliance with federal Resource Conservation and Recovery Act (RCRA) regulations. Activities include such compliance assistance functions as environmental audits, grace periods, and supplemental environmental projects as well as conventional inspections and investigations, and when necessary, formal enforcement actions.

ENVIRONMENTAL PROTECTION

EVALUATION DATA

	Actual FY 2002	Actual FY 2003	Revised FY 2004	Budget Estimate FY 2005
PROGRAM DATA				
Air Pollution Control				
Investigations and inspections	6,900	5,600	6,500	6,500
Pesticide Control				
Investigations and inspections	1,704	800	800	800
Pesticide products regulated	12,000	12,266	11,800	11,800
Pesticide licenses and permits	17,000	17,056	17,000	17,000
Water Pollution Control				
Inspections	5,074	4,576	4,576	4,576
Clean Shores:				
Miles of beaches cleaned	171	145	145	145
Tons of debris removed	2,266	2,428	2,500	2,400
Land Use Regulation				
Investigations and inspections	2,600	1,218	1,800	1,800
Solid and Hazardous Waste Management				
Hazardous waste annual inspections	2,200	1,996	2,010	2,010

PERSONNEL DATA

Position Data

Filled Positions by Funding Source

State Supported	311	289	290	323
Federal	11	12	15	14
All Other	6	5	5	5
Total Positions	328	306	310	342

Filled Positions by Program

Air Pollution Control	81	75	73	79
Pesticide Control	40	40	41	41
Water Pollution Control	98	93	95	104
Land Use Regulation	33	31	32	36
Solid and Hazardous Waste Management	76	67	69	82
Total Positions	328	306	310	342

Notes:

Actual payroll counts are reported for fiscal years 2002 and 2003 as of December, and revised fiscal year 2004 as of September. The Budget Estimate for fiscal year 2005 reflects the number of positions funded.

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 2003					Year Ending June 30, 2005			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Total Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended
DIRECT STATE SERVICES								
Distribution by Fund and Program								
3,953	1	218	4,172	4,151	02	4,542	4,250	4,250
2,096	—	126	2,222	2,222	04	2,251	2,251	2,251
5,677	—	67	5,744	5,742	08	6,219	5,570	5,570
1,846	493	266	2,605	2,604	15	2,453	1,925	1,925
3,996	—	-259	3,737	3,724	23	3,789	3,860	3,860
17,568	494	418	18,480	18,443		19,254 (a)	17,856	17,856
Distribution by Fund and Object								
Personal Services:								
15,196	—	-329	14,867	14,857		15,335	15,091	15,091
15,196	—	-329	14,867	14,857		15,335	15,091	15,091
175	—	-61	114	114		90	126	126

ENVIRONMENTAL PROTECTION

Year Ending June 30, 2003					Year Ending June 30, 2005				
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	2004 Adjusted Approp.	Requested	Recom- mended	
<u>DIRECT STATE SERVICES</u>									
1,070	—	61	1,131	1,123	Services Other Than Personal	1,024			
						1,500 ^S	1,390	1,390	
350	—	33	383	380	Maintenance and Fixed Charges	369	390	390	
					Special Purpose:				
777	493 ^R	185	1,455	1,455	Tidelands Peak Demands	15 856	856	856	
—	1	529	530	514	Additions, Improvements and Equipment	80	3	3	
<u>STATE AID</u>									
Distribution by Fund and Program									
2,453	—	—	2,453	2,453	Water Pollution Control	08 2,453	2,453	2,453	
					(From General Fund)	—	2,453	2,453	
2,453	—	—	2,453	2,453	(From Property Tax Relief Fund)	2,453	—	—	
2,453	—	—	2,453	2,453	Total State Aid	2,453	2,453	2,453	
					(From General Fund)	—	2,453	2,453	
2,453	—	—	2,453	2,453	(From Property Tax Relief Fund)	2,453	—	—	
Distribution by Fund and Object									
State Aid:									
—	—	—	—	—	County Environmental Health Act	08 —	2,453	2,453	
2,453	—	—	2,453	2,453	County Environmental Health Act (PTRF)	08 2,453	—	—	
20,021	494	418	20,933	20,896	Grand Total State Appropriation	21,707	20,309	20,309	
<u>OTHER RELATED APPROPRIATIONS</u>									
Federal Funds									
1,802	25	—	1,827	1,269	Air Pollution Control	02 1,802	1,802	1,802	
750	—	—	818	600	Pesticide Control	04 750	850	850	
48 ^S	20	—	1,044	143	Water Pollution Control	08 1,000	1,000	1,000	
1,000	44	—	589	94	Land Use Regulation	15 500	600	600	
500	89	—	1,902	1,309	Solid and Hazardous Waste Management	23 1,886	1,886	1,886	
1,886	16	—	6,180	3,415	Total Federal Funds	5,938	6,138	6,138	
5,986	194	—			All Other Funds				
—	45	—	45	30	Air Pollution Control	02 —	600	600	
	1,300	—			Water Pollution Control	08 1,170	1,470	1,470	
	1,151 ^R	-147	2,304	942	Land Use Regulation	15 681	1,353	1,353	
—	—	—	—	—	Total All Other Funds	1,851	3,423	3,423	
—	2,496	-147	2,349	972	GRAND TOTAL ALL FUNDS				
26,007	3,184	271	29,462	25,283		29,496	29,870	29,870	

Notes — Direct State Services – General Fund

(a) The fiscal year 2004 appropriation has been adjusted for the allocation of salary program, which includes \$40,000 in appropriated receipts, in accordance with the provisions of P.L. 2003, c.122 (Fiscal Year 2004 Appropriations Act).

Language Recommendations — Direct State Services – General Fund

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3–27.47 et seq.) are appropriated in an amount not to exceed \$600,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed \$200,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed \$50,000 for the implementation of the “New Jersey Adopt a Beach Act,” P.L.1992, c.213 (C.13:19–22 et seq.), and an amount not to exceed \$150,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A–56 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

ENVIRONMENTAL PROTECTION

Language Recommendations — State Aid – General Fund

Notwithstanding the provisions of the “Spill Compensation and Control Act,” P.L. 1976, c.141 (C.58:10–23.11 et seq.) or any law to the contrary, the amount appropriated hereinabove for the County Environmental Health Act is chargeable to receipts anticipated from the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The amounts hereinabove for the Tidelands Peak Demands account are appropriated from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, together with an amount not to exceed \$2,265,000, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding any other law, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department’s purview.

Notwithstanding the provisions of the “Environmental Fee Fund Accountability Act of 1991,” P.L.1991, c.426 (C.52:27B–20.1 et seq.) and P.L.1991, c.427 (C.13:1D–9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise dedicated herein, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding any other provisions in this act, of the Federal Fund amounts appropriated for the programs included in the Performance Partnership Grant Agreement with the Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34–6 et seq.) or any other law to the contrary, of the amounts appropriated for site remediation, the Department of Environmental Protection may enter into a contract with the United States Environmental Protection Agency (EPA) to provide the State’s statutory matching share for EPA-led Superfund remedial actions pursuant to the State Superfund Contract (SSC).

Notwithstanding any other law to the contrary, any grants awarded during the fiscal year ending June 30, 2004, or during any preceding fiscal year, by the Department of Environmental Protection, or its predecessors, from the proceeds of bonds issued pursuant to P.L.1969, c.127; P.L.1976, c.92; P.L.1980, c.70; P.L.1981, c.261; P.L.1985, c.329; P.L.1989 c.181 or P.L.1992, c.88 or other grants awarded pursuant to other grant programs administered by the department, shall not be considered to be impaired by a structured financing transaction undertaken by a governmental entity which is authorized by section 10 of P.L.1999, c.157 (C.52:31C–10) as amended by section 1 of P.L.2000, c.54, to undertake such transactions, nor shall any State interest created by the award of any such grant be determined to be so impaired by a structured financing transaction undertaken by any local governmental entity pursuant to section 10 of P.L.1999, c.157. Any such grant, and any provisions, covenants and conditions contained in the award thereof, shall not (i) limit, restrict or impair the rights of the local governmental entity to transfer or encumber its facilities or assets for purposes of entering into a structured financing transaction pursuant to that section, (ii) be violated by the completion of a structured financing transaction undertaken pursuant to that section and (iii) cause the Department of Environmental Protection to rescind or annul any grant, or undertake any other enforcement actions, including the revocation of any permit or license granted, in response to a structured financing transaction undertaken pursuant to that section.

Receipts in excess of the amount anticipated for Air Pollution, Clean Water Enforcement, Land Use, Solid Waste, and Hazardous Waste fines, not to exceed \$1,500,000, are appropriated for the expansion of compliance, enforcement and permitting efforts in the department, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated for the Stormwater Management Program are appropriated to the Department of Environmental Protection for expansion of the Stormwater Management Program to meet new federal mandates relating to the regulation of municipal stormwater management, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L. 1954, c.48 (c.52:34–6 et seq.) or any law to the contrary, of the amounts appropriated for water resource evaluation studies and monitoring, the Department of Environmental Protection may enter into contracts with the United States Geological Survey to provide the State’s match to joint funding agreements for water resource evaluation studies and monitoring analyses.

Of the amount hereinabove for the Hazardous Substance Discharge Remediation Loans and Grants–Constitutional Dedication account, an amount not to exceed \$2,000,000 shall be allocated for costs associated with the State Underground Storage Tank Inspection Program, pursuant to the amendments effective December 4, 2003, to Article VIII, Section II, paragraph 6 of the State Constitution.

In addition to the amounts hereinabove, there is appropriated an amount not to exceed \$300,000, which shall be charged first to any fees derived from pending diesel emissions legislation, for the Department’s initiative to reduce diesel exhaust emissions, subject to the approval of the Director of the Division of Budget and Accounting.